

**ASSEMBLY BILL**

**No. 1149**

**Introduced by Assembly Member La Suer**

February 22, 2005

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An act to amend Section 12818 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1149, as introduced, La Suer. Vehicles: driving reexamination.

Existing law requires the Department of Motor Vehicles, upon receipt of a request for reexamination and presentation of a legible copy of a notice of reexamination by a person issued the notice, or upon receipt of a report from a local health officer, to reexamine the person's qualifications to operate a motor vehicle, including a demonstration of the person's ability to operate a motor vehicle.

This bill would authorize, instead of require, the department to include in the reexamination a demonstration of the person's ability to operate a motor vehicle.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12818 of the Vehicle Code, as amended
- 2 by Section 13 of Chapter 985 of the Statutes of 2000, is amended
- 3 to read:
- 4 12818. (a) Upon receipt of a request for reexamination and
- 5 presentation of a legible copy of a notice of reexamination by a
- 6 person issued the notice pursuant to Section 21061, or upon
- 7 receipt of a report from a local health officer issued pursuant to

1 subdivision (b) of Section 103900 of the Health and Safety Code,  
2 the department shall reexamine the person's qualifications to  
3 operate a motor vehicle, ~~including~~. *The reexamination may*  
4 *include, but need not be limited to,* a demonstration of the  
5 person's ability to operate a motor vehicle as described in  
6 Section 12804.9.

7 (b) Based on the department's reexamination of the person's  
8 qualifications pursuant to subdivision (a), the department shall  
9 determine if either of the following actions should be taken:

10 (1) Suspend or revoke the driving privilege of that person if  
11 the department finds that any of the grounds exist which  
12 authorize the refusal to issue a license.

13 (2) Restrict, make subject to terms and conditions of  
14 probation, suspend, or revoke the driving privilege of that person  
15 based upon the records of the department as provided in Chapter  
16 3 (commencing with Section 13800).

17 (c) As an alternative to subdivision (a), the department may  
18 suspend or revoke the person's driving privilege as provided  
19 under Article 2 (commencing with Section 13950) of Chapter 3.

20 (d) Upon request, the department shall notify the law  
21 enforcement agency which employs the traffic officer who issued  
22 the notice of reexamination described in subdivision (a) of the  
23 results of the reexamination.

24 (e) This section shall remain in effect only until January 1,  
25 2011, and as of that date is repealed, unless a later enacted  
26 statute, that is enacted before January 1, 2011, deletes or extends  
27 that date.